

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - CINCINNATI**

SAMUEL RIDDER,	:	Case No. 1:18-cv-61
	:	
Petitioner,	:	Judge Matthew W. McFarland
	:	
vs.	:	
	:	
WARDEN, CHILLICOTHE	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	

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**ORDER OVERRULING OBJECTIONS (DOC. 16), ADOPTING REPORT AND  
RECOMMENDATIONS (DOC. 12), AND TERMINATING CASE**

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This habeas corpus action is before the Court on Petitioner Samuel Ridder's Objections (Doc. 16) to Magistrate Judge Stephanie K. Bowman's Report and Recommendations (Doc. 12). After review of the Petition for Writ of Habeas Corpus (the "Petition") (Doc. 1), Respondent's return of writ (Doc. 9), and Petitioner's Reply (Doc. 11), Magistrate Judge Bowman recommended that the Court deny the Petition with prejudice. Petitioner moved for an extension of time to file objections to the Report and Recommendations on May 21, 2019 and then filed provisional objections (Doc. 14) on June 3, 2019 that included a request to file amended objections if his motion for an extension of time were granted. On the same day the provisional objections were filed, the Court granted Petitioner's extension of time. (Doc. 15.) Petitioner timely filed his amended Objections (Doc. 16) on July 22, 2019. This matter is therefore ripe for review.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the

Court has made a de novo review of the record in this case. Upon said review, the Court finds that Petitioner's Objections (Doc. 16) are not well-taken and are accordingly **OVERRULED**. The Court **ADOPTS** the Report and Recommendations (Doc. 12) in its entirety and rules as follows:

1. Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is **DENIED** with prejudice.
2. A certificate of appealability is **DENIED** with respect to the claims alleged in the Petition, which the Court has concluded are waived and procedurally barred from review, because under the first prong of the applicable two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), "jurists of reason" would not find it debatable whether this Court is correct in its procedural ruling.

A certificate of appealability is **DENIED** with respect to the claims alleged in the Petition, which have been addressed on the merits, because Petitioner has not stated a "viable claim of the denial of a constitutional right," nor are the issues presented "adequate to deserve encouragement to proceed further." *See Slack*, 529 U.S. at 475. *See also* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

3. With respect to any application by Petitioner to proceed on appeal *in forma pauperis*, the Court hereby **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order adopting the Magistrate Judge's Report and Recommendation would not be taken in "good faith," and therefore **DENIES** Petitioner leave to appeal *in forma pauperis* upon a showing of financial necessity. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

By: /s/ Matthew W. McFarland  
JUDGE MATTHEW W. MCFARLAND